

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

Jennifer Ann Fedorek,  
Plaintiff

FILED

Civil Action No.  
05-186

v.

'06 NOV -7 P1:16

Ronald Snyder, et. al.,  
Defendants

CLERK  
U.S. DISTRICT COURT

OBJECTION TO MAGISTRATES JUDGE'S REPORT AND RECOMMENDATION

I. Recommendation

It is respectfully submitted that the Defendants' motion to dismiss and strike [Document #18] and motion to dismiss [Document #23] be denied.

II. Report

A. Discussion

1. Respondeat Superior

The supervisor learned of the violation of the Plaintiffs' rights and failed to do anything to fix the situation.

The supervisor was negligent in managing the people he was supposed to supervise.

Meriweather v. Coughlin, 879 F.2d 1037 2d Cir. 1989.

2. Due Process Rights

The Supreme Court has found that, in general, a formal or "adversarial" hearing is not necessary for putting prisoners in administrative segregation and that all you get is notice and chance to present your views informally.

Hewitt v. Helms, 459 U.S. 460 (1983).

Defendant Ronald Snyder had been acting in "under color of state law" when he violated the Plaintiffs' rights, meaning he exercised the power that came from his authority.

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OBJECTION TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION CONT'd

3. Monetary Demand

On April 25, 2006, the Plaintiff summoned the court hereby amending her complaint to set forth only that money damages are claimed and that any specific sum be withdrawn at that time.

B. Conclusion

The Plaintiff has found more through discovery about her segregation, therefore misconstruing the basis of previous claims however, there is significant evidence to support the Plaintiffs' claims about Defendant Ronald Snyder and should be allowed to proceed.

CERTIFICATE OF SERVICE

I, hereby state that I have caused copies of the foregoing petition/motion to be served on the persons indicated, by placing same in the United States repository at SCI-Cambridge Springs. In accordance with the Smith v PBPP, 683 A.2d 278. Postage prepaid and addressed as follows:

FIRST CLASS MAIL, POSTAGE PAID

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Dated: 11-1-06

Respectfully submitted

*Jennifer Ann Fedorek*

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